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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/376,876	08/18/1999	MARTIN D. MOODY	19317/101/10	7060
5909	7590	02/15/2005	EXAMINER	
NAWROCKI, ROONEY & SIVERTSON SUITE 401, BROADWAY PLACE EAST 3433 BROADWAY STREET NORTHEAST MINNEAPOLIS, MN 554133009			ENG, GEORGE	
			ART UNIT	PAPER NUMBER
			2643	

DATE MAILED: 02/15/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/376,876

Applicant(s)

MOODY, MARTIN D.

Examiner

George Eng

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 October 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/8/2004 has been entered.

### ***Response to Amendment***

2. This Office action is in response to the amendment filed 10/22/2004. Accordingly, claims 1-5 are pending for examination and claims 6-14 are canceled.

### ***Claim Objections***

3. Claim 1 is objected to because of the following informalities: claim 1, lines 26-27, "a need for any adjunct equipment" may be rewritten as --a need for an additional adjunct equipment" because the phrase "any" has an alternate meaning that does not positively identify the claimed limitations. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Aprile (US PAT. 6,363,138) in view of Chavous (US PAT. 5,161,180).

Regarding claim 1, Aprile discloses an emergency message processor (20, figure 1) in a local communication network including supported multiple transmission sources, i.e., calling stations within PBXs, for providing emergency message initiator identification information to an emergency system, (50, figure 1) including an emergency system database, i.e., master ALI database, comprising an information storage unit associated with the local communication network for maintaining emergency message indicia representative of the multiple transmission source to be transmitted under emergency circumstances and obviously including destination address information to which the indicia is to be transmitted, and means for updating the indicia and providing updated indicia from the information storage unit, representative of a transmission source capable of implementing transmission, to the emergency system database (col. 3 line 12 through col. 5 line 9). In addition, Aprile teaches using telephone stations within the PBXs for implement transmission of the emergency message indicia representing a transmission source into at least one public safety answering point under emergency circumstances precluding a need of additional adjunct equipment in the emergency system (col. 1 lines 49-55). Aprile differs from the claimed invention in not specifically teaching an initiator for implementing transmission into the emergency system with minimal volitional activity. However, it is old and notoriously well known in the art of utilizing single switch, i.e., a panic button, for implementing transmission

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into the emergency system with minimal volitional activity, for example see Chavous (col. 3 lines 3-10). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify Aprile in having the initiator for implementing transmission into the emergency system with minimal volitional activity, as per teaching of Chavous, in order to make user friendly by minimal volitional activity.

Regarding claim 2, Aprile discloses the processor (20, figure 1) interfacing with PBXs (30, figure 1).

Regarding claim 3, Aprile teaches the processor comprising means for managing the PBX (col. 3 lines 25-31).

Regarding claim 4, Aprile teaches the processing comprising means for manipulating the indicia (col. 3 line 64 through col. 4 line 3), as well as Dounies (col. 2 line 59 through col. 3 line 2 and col. 7 lines 4-12).

Regarding claim 5, Chavous teaches to concurrently transmit emergency message indicia to a monitoring location proximate a transmission source experiencing the emergency circumstance (col. 2 line 3 through col. 3 line 40).

### ***Response to Arguments***

6. Applicant's arguments with respect to claims 1-5 have been considered but are moot in view of the new ground(s) of rejection.


***Conclusion***

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Newman (US PAT. 5,835,907) discloses an emergency PCS system for identification and notification of a subscriber's location (abstract).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Eng whose telephone number is 703-308-9555. The examiner can normally be reached on Tue-Fri 7:30 AM-6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Curtis A. Kuntz can be reached on 703-305-4708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
George Eng  
Primary Examiner  
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